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Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo

Addendum

Mission to the Bahamas* **

Summary

The Special Rapporteur on trafficking in persons, especially women and children, conducted an official country visit to the Bahamas from 9 to 11 December 2013. She acknowledges the willingness of the Government to combat trafficking in persons, as reflected by the ratification of relevant international legal instruments and the enactment of domestic legislation in that area, as well as the establishment of a multisectoral mechanism to address the issue. She further notes the recent efforts made in prosecuting traffickers.

Despite the positive steps taken by the Government, the Special Rapporteur observed a number of challenges, including: the absence of a comprehensive assessment of the phenomenon at the national level, coupled with low awareness and understanding of trafficking in persons among the general population; the absence of a national plan of action to effectively combat trafficking in persons; and the restrictive immigration policy, which leads to the criminalization and expedited deportations of potential victims. She further expresses concern with regard to the limited capacities of frontline officers in identifying victims of trafficking, and underlines the weakness of the victims' assistance programme, which is ad hoc rather than institutionalized.

* Late submission.

** The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

The Special Rapporteur makes various recommendations to the Government, in order to enhance its capacity in addressing trafficking in persons in the Bahamas and in providing appropriate assistance to victims of such crime.

Annex

[English only]

Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to the Bahamas (9–11 December 2013)

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I. Introduction

1. From 9 to 11 December 2013, the Special Rapporteur on trafficking in persons, especially women and children, conducted an official visit to the Bahamas at the invitation of the Government.

2. During the visit, which took her to Nassau and Freeport, she met with high-ranking government officials from the Ministry of National Security, the Ministry of Social Services and Community Development, the Ministry of Foreign Affairs and Immigration, and the Ministry of Labour and National Insurance, as well as from the Office of the Attorney General and Ministry of Legal Affairs and the Ministry for Grand Bahama. She also met with representatives of the Royal Bahamas Police Force and the Royal Bahamas Defence Force. She held meetings with the Inter-Ministry Committee on Trafficking in Persons, the coordinating body for policy matters relating to trafficking in persons, and with the Trafficking in Persons Task Force, the operational body for providing assistance to victims and ensuring coordination between government agencies and non-governmental organizations (NGOs) on matters relating to trafficking in persons. The Special Rapporteur also visited the migrant detention facility, and met with civil society organizations and victims of trafficking during a visit to the government-run safe house.

3. The Special Rapporteur expresses her sincere gratitude to the Government for its support before and during the mission as well as for welcoming her as the first Special Rapporteur of the United Nations to visit the country. She commends the Government for opening up to the United Nations human rights system and hopes that the visit paves the road for further engagement with other special procedures mandate holders and with the Office of the United Nations High Commissioner for Human Rights.

II. Main findings

A. Forms and manifestations of trafficking in persons

4. The Bahamas is a transit and destination country for trafficked persons from the Caribbean region and from Central and South America. Due to its geographical location, its proximity to the United States of America and its porous coastal borders, spanning about 100,000 square miles, the Bahamas is a major transit country for migrants attempting to enter the United States. Criminals and migrant smugglers have taken advantage of the migration fluxes to lure and deceive victims, promising to take them to the United States but actually taking them to the Bahamas, increasing their vulnerabilities to trafficking and exploitation as well as to criminalization by authorities for irregular entry into the country. According to information gathered, migrants from the subregion pay US$ 5,000 or more to be smuggled to the United States via the Bahamas. The Special Rapporteur met with women from the Dominican Republic who had been deceived, then transported in precarious and dangerous conditions to the Bahamas, where they were abandoned, blindfolded, in a house, only for law enforcement officers to raid the house and arrest them a few days later.

5. The scale of trafficking is difficult to quantify, given the limited ability to identify victims and the absence of a national survey to assess the scope and trend of the phenomenon in the country. Moreover, trafficking in the Bahamas remains insidious while cases of migrant smuggling are regularly reported by the media and authorities. This is coupled with little understanding about the conceptual differences between those two phenomena. The form of trafficking that has been identified in the Bahamas is for

commercial sexual exploitation, whereby women and girls, mainly from the Dominican Republic and Jamaica, are made to dance in bars and sell sexual services. Trafficking for labour exploitation is thought to be occurring in the construction, agriculture, fishing and domestic work sectors. There have been suspected cases of labour exploitation of Haitian, Filipino, Chinese, Dominican and Colombian nationals and other migrants from South America.

6. The traffickers' modus operandi includes the confiscation of victims' passports, as well as the use of debt bondage to recover the cost of travel, the fees to supposedly extend the work permit, and rent, which could amount to a total of US$ 3,000 or more over a period of six months. Jamaican women have been brought to the Bahamas by air on visitor visas, on the promise that they would be provided nanny or cashier jobs and a work permit upon arrival, only to realize that they had been lured into a situation of exploitation. They also become aware that they are irregular migrants on Bahamian territory, which further deters them from reaching out to authorities. The Special Rapporteur received information that in some instances women and girls have been held indoors and deprived of their freedom of movement, constantly under the surveillance of a pimp. The rescued victims interviewed by the Special Rapporteur reported that they had been trafficked by Bahamian-born Jamaicans who had recruited them from their communities of origin in Jamaica. Haitians arrive in the Bahamas mainly by sea while Dominicans are reported to arrive by air.

7. It was reported that in some cases Haitian smugglers, with the complicity of Bahamian nationals, recruit candidates and potential victims from Haiti. Smugglers lure and persuade poor rural Haitians, promising that they can offer them a better life by taking them first to the Bahamas for a short period of time and then transporting them to Florida in the United States. In those situations, the role of the Bahamian national is to reassure the rural communities in Haiti that he or she will provide jobs for the migrants once they arrive in the Bahamas. It is in that context that some poor Haitian farmers have sold their meagre belongings to finance the perilous journey for their children, which costs, on average, US$ 625. The smuggling of migrants has reportedly led to serious human rights abuses, including ill-treatment on board overcrowded boats, rape, and food and water deprivation; some people have been left with no choice but to jump into the sea and swim to the shores or drown. Such smuggling is of serious concern, as it could be a gateway to trafficking in persons for the purpose of labour exploitation.

8. Moreover, the growing demand for migrant domestic workers seems to have favoured precarious working conditions for those workers who are undocumented. While the absence of available data makes it difficult to assess the phenomenon of domestic servitude in the country, undocumented migrants from Haiti are known to constitute the largest share of domestic workers, and reportedly often find themselves in positions of vulnerability and exploitation due to their immigration status. It was reported that Haitian nationals and stateless persons of Haitian descent are employed as undeclared workers on the island of Grand Bahama.

9. Lately there has been an increased influx of Filipino nationals brought into the country on domestic work permits. The system in place does not provide safeguards to ensure that those migrant workers do not fall into situations of grave exploitation. More worrisome is the fact that the Employment Act of 2001 does not provide for the protection of domestic workers. The small number of labour inspectors on the national territory does not allow for the prevention, identification or protection of potential victims of trafficking in situations of labour exploitation.

10. According to the Ministry of Social Services and Community Development, at the time of the visit one potential case of child trafficking for domestic exploitation, involving a Haitian child, was being processed by social services. Although little information on child

trafficking was available, according to discussions held with civil society interlocutors it appears that Haitian children working as domestic servants are vulnerable to exploitative work conditions. No information was received with regard to the exploitation of children for sexual tourism. However, mention was made of potential cases of sexual exploitation of teenage girls, including Haitian girls, by "boyfriends" acting as pimps.

11. Root causes of trafficking include poverty and a lack of economic opportunities in source countries, but also the high demand, on the part of middle- to high-income households in the Bahamas, for cheap domestic work and demand for cheap commercial sexual services. It is worth noting that Bahamian nationals have been reluctant to take up low-paying domestic work, thus leaving the sector in need of a foreign workforce.

B. Legal, policy and institutional frameworks for combating trafficking in persons

1. Legal framework

(a) International and regional framework

12. At the international level, the Government of the Bahamas has ratified a number of legal instruments, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol); the Convention on the Elimination of All Forms of Discrimination against Women; International Labour Organization (ILO) Conventions No. 29 (1930) concerning Forced or Compulsory Labour and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and the Convention on the Rights of the Child. The Bahamas has yet to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

13. Although the Bahamas acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 1993, the Government has no regulatory framework to implement its obligations under the Convention. As such, the Government responds to asylum seekers and refugees on an ad hoc basis, providing no access to judicial remedies. Moreover, the Bahamas is not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. That is worrisome, as migrant populations in the Bahamas include a complex mix of economic migrants, asylum seekers and refugees, victims of trafficking and other individuals in need of international protection, such as undocumented and unaccompanied minors and people of undetermined nationality. Moreover, in many cases, children born of undocumented Haitian migrants in the Bahamas are reported to reach the age of majority without ever being registered or able to receive residency or citizenship in the Bahamas, despite the fact that the Constitution of the Bahamas provides that persons of foreign parents born in the Bahamas may apply for citizenship when they reach the age of 18. Those children are therefore de facto at risk of statelessness, which makes them even more vulnerable to exploitation.

14. The Bahamas is a member of the Organization of American States and has ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. In October 2002, the Inter-American Commission of Women adopted resolution CIM/RES. 225 (XXXI-O/02) on fighting the crime of trafficking in persons,

especially women, adolescents, and children, urging member States to take action against human trafficking through "multidimensional actions" under domestic legislation and recommending the establishment of a national and bilateral or multilateral coordination mechanism.

(b) National framework

15. At the national level, the Constitution protects individuals from inhuman and degrading treatment (art. 17) and prohibits slavery and forced labour (art. 18). The Bahamas enacted the Trafficking in Persons (Prevention and Suppression) Act in 2008, which includes the definition of trafficking in persons as set by article 3 of the Palermo Protocol and establishes criminal offences for trafficking in persons. The anti-trafficking legislation punishes unlawful withholding of identification papers, transporting a person for the purpose of exploitation, including commercial sexual exploitation, forced labour, practices similar to slavery, servitude and the illicit removal of organs.

16. According to the provisions of the Trafficking in Persons Act (sect. 3, para. 1), whoever engages in or conspires to engage in, or attempts to engage in, or assists or otherwise facilitates another person to engage in trafficking in persons shall be sentenced, on summary conviction, to three to five years' imprisonment, shall be subject to forfeiture of property and shall be ordered to pay full restitution to the victim. If such a person is convicted by the Supreme Court, the sentence ranges between a minimum of five years' imprisonment and a maximum of life imprisonment.

17. The Act further provides for the protection of victims' safety, for their immunity from prosecution and for their assistance. It also clearly spells out that consent and the victim's sexual history are irrelevant when determining the status of the victim as being subjected to trafficking in persons.

18. The anti-trafficking legislation covers child pornography in the definition of sexual exploitation and establishes the trafficking of minors as an aggravating circumstance (sect. 8, para. 1 (c)).

19. In addition, other relevant legislation may be invoked to prosecute trafficking-related offences. The Sexual Offences and Domestic Violence Act of 2006 criminalizes rape (sect. 6) and forced detention of an individual for sexual purposes (sect. 7 (a)–(g)), with prison sentences of eight years. In the case of child victims under the age of 16, the Act provides for sentences ranging from seven years to life imprisonment. The Act also punishes forced prostitution (sect. 20, para. 1 (a) and (b)) with a prison sentence of 14 years; and criminalizes prostitution, an offence punishable by imprisonment for eight years. The Special Rapporteur recalls that States have the responsibility to apply due diligence and ensure that the prohibition of prostitution does not lead to the revictimization of those trafficked for the purpose of commercial sexual exploitation.

20. The Employment Act sets out minimum labour protection standards, including: minimum standard working hours, the provision of paid leave and overtime compensation. It further prohibits the employment of children under 14 years of age. However, the Act does not provide for the protection of domestic workers, which remains a widely unregulated sector. While labour inspectors are provided with a mandate to inspect businesses, they cannot inspect homes even in case of reasonable suspicion. The Special Rapporteur is concerned that there are fewer than 10 labour inspectors for the whole country and that often business owners and employers have been tipped off on impending labour inspections. Therefore, in this context it is very unlikely that victims of trafficking in a situation of labour exploitation will be identified.

(c) Immigration policy

21. The Bahamas is located in a complex migratory environment and exposed to substantial irregular migration flows. In 2009, the International Organization for Migration (IOM) estimated that between 20,000 and 50,000 undocumented Haitians were living in the Bahamas.[1] The Immigration Act of 1967 contains provisions on the entry, residence, transit, and exit of migrants, and also criminalizes violations related to immigration status. Immigration officers have the authority to detain anyone refused entry pending removal from the country (sect. 25, para. 4). Any foreign national apprehended in the country after having irregularly crossed the Bahamian borders is subject to detention and removal (sect. 26).

22. The Act stipulates that irregular migrants are liable to pay a fine of up to US$ 300 dollars and/or imprisonment for up to 12 months (sect. 19, para. 2). Irregular migrants have been detained in the Carmichael Road Detention Centre, the only dedicated immigration detention centre in the country, which is located in Nassau. At the time of the Special Rapporteur's visit the centre housed 133 detainees comprising 12 to 15 different nationalities, including several detainees from India, the Dominican Republic, Cuba, Haiti and Colombia, one from Kenya, one from Eritrea and one from Ghana, among others. The Special Rapporteur expressed concern with regard to the poor conditions and the length of detention, which do not meet international standards. The centre was obviously overcrowded, as the main section for men had a capacity of only 70 beds and one room for sanitary facilities.

23. Although no children were present in the detention centre at the time of the visit, the Special Rapporteur notes with deep concern that children have been detained with their mothers for lack of alternative facilities and measures to cater to this population of undocumented migrants and in violation of all relevant international human rights and humanitarian norms. This is all the more alarming since, according to IOM, the majority of persons entering the Bahamas are Haitian children under the age of 14.[2]

24. Some of the migrants informed the Special Rapporteur that they had been detained for over 12 months, one of them for several years. The authorities justified the lengthy detention of certain individuals as a result of challenges in communicating with certain countries of origin to receive identification and travel documents in order to proceed with the removal process; but also mentioned complications in obtaining transit visas for those whose return travel itineraries transit through several countries.

25. According to the testimony of the Dominican women who were detained at the time of the Special Rapporteur's visit, immigration officers found them blindfolded in a house in the island of Grand Bahama, where their smugglers had abandoned them after telling them they had reached the United States. They were immediately brought before a judge and sentenced to pay a US$ 300 fine for the offence of irregular entry, without ever being properly screened to determine whether they had been trafficked. It is only when they reached the undocumented migrants detention centre in Nassau that they finally received medical screening. That testifies to the poor implementation of screenings to identify victims of trafficking, and to detect persons in need of humanitarian protection. Despite the fact that one of the women was three months pregnant she remained in detention awaiting the execution of the removal order.

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[1] See the IOM website at www.iom.int/cms/en/sites/iom/home/where-we-work/americas/central-and-north-america-and-th/bahamas.default.html?displayTab=latest-news.

[2] Ibid.

26. The expedited processing and sentencing of irregular migrants apprehended in Grand Bahama is partly explained by the fact that Freeport does not have a facility to host irregular migrants, despite the large numbers of undocumented migrants apprehended at this location. The Government also informed the Special Rapporteur that immigration officers and law enforcement officers in Grand Bahama needed to receive more training in identifying and assisting individuals in need of international protection, as capacity-building efforts have been mainly concentrated in Nassau.

27. The Special Rapporteur warns that restrictive immigration policies further endangers vulnerable persons, who are put at risk of further violation and victimization if not properly identified by law enforcement officers.

28. The Special Rapporteur received information that the Government of the Bahamas has started to consider alternatives to detention for refugees, asylum seekers and, on certain occasions, for migrants, based on humanitarian grounds. The Government also took steps in 2012 to provide permanent residency for several long-term recognized refugees, most of Cuban and Haitian origin. Those initiatives are welcomed and should be extended to all persons in need of international protection.

2. Policy framework

29. At the time of the Special Rapporteur's visit, the Bahamas had yet to finalize the national action plan to combat trafficking in persons, which is focused on prevention and assistance for victims. The Government informed the Special Rapporteur that the plan would incorporate existing guidelines that had been developed to ensure the protection of victims of trafficking in persons and the prosecution of offenders.

30. The Ministry of National Security, which has the primary responsibility for combating trafficking in persons, developed in 2012 the Guidelines for the Prevention, Suppression and Punishment of Trafficking in Persons, setting out practical measures which government officials and other partners have been encouraged to implement to further strengthen action to identify victims and potential victims of trafficking, to bring traffickers to justice and to enhance other counter-trafficking measures. The Guidelines also provide for standard operating procedures for: interviews; assistance and protection; medical care for victims; investigation; prosecution and punishment; data collection; coordination; cooperation; and international partnership. The Ministry of National Security, the Ministry of Social Services and Community Development and the Ministry with responsibility for immigration have the lead responsibility for oversight of the Guidelines. However, the Special Rapporteur notes that there are neither measures nor indicators in place to evaluate the effective implementation of the Guidelines and their impact.

3. Institutional framework

31. The Bahamas has adopted a multisectoral and multidisciplinary approach in combating trafficking in persons. The Inter-Ministry Committee on Trafficking in Persons was established in November 2011. It is the coordinating body for policy matters relating to trafficking in persons. As such, it provides advice on trafficking matters and makes recommendations to strengthen national anti-trafficking initiatives, including through the identification of opportunities for training, dissemination of information, public awareness and coordination. It is comprised of senior government officials from the Ministry of National Security, the Ministry of Foreign Affairs and Immigration, the Ministry of Finance, the Ministry of Labour and National Insurance, the Ministry of Social Services and Community Development and the Ministry of Health, as well as representatives from the Royal Bahamas Police Force, the Royal Bahamas Defence Force, the Department of Immigration, the Customs Department and the Office of the Attorney General and Ministry of Legal Affairs

32. The Trafficking in Persons Task Force, established in March 2012, is responsible for addressing matters relating to trafficking in persons ranging from the identification of victims to the prosecution of alleged traffickers, and serves as a forum for ensuring coordination between government agencies and NGOs working on trafficking in persons. It is comprised of government ministries and agencies, including those involved in the Inter-Ministry Committee (see para. 31 above), as well as representatives from four non-governmental, community and faith-based organizations, namely: the Bahamas Crisis Centre, the Bahamas Red Cross Society, The Links, Incorporated and the Bahamas Christian Council. In carrying out its role, the Task Force can establish subcommittees. At the time of the visit, two functional subcommittees had been established: one on housing and one on raising public awareness, although no information was provided on their exact mandates.

33. The Ministry of National Security operates as the secretariat with responsibility for bringing together the members of the Inter-Ministry Committee and the Task Force and ensuring their proper functioning. It is envisaged that in the future, a special project unit in the Police Force will be created to coordinate and administer the activities of the Task Force, with members of the Task Force answerable to the unit; which would be headed by a senior officer and an assistant, both from the organized crime section of the Task Force. At the time of the visit, the Government had allocated US$ 100,000 for the coordination of all anti-trafficking efforts.

34. The Special Rapporteur notes that, although the establishment of a dedicated task force is a positive step, the Task Force needs an institutionalized mandate, an allocated budget, a work plan with clear goals, and indicators to measure output, as well as a dedicated secretariat with trained professionals to efficiently carry out the mandate. Moreover, the Special Rapporteur notes that the engagement with the civil society needs to be strengthened and widened.

C. Identification of trafficked persons

35. The 2012 Guidelines provide that victims of trafficking or potential victims may be identified through special law enforcement operations by the Royal Bahamas Police Force or the Department of Immigration and during migrant operations by the Royal Bahamas Defence Force; by medical professionals in hospitals and clinics; through observations and intelligence gathering on the Internet; and on the basis of referral by the general population. The police has the primary responsibility for identifying trafficked persons and works closely with the prosecutor's office in charge of confirming the status of the referred individual as a victim. Officers of the Department of Immigration are instructed to report to the police all observations of possible cases of trafficking, especially in contexts of sexual exploitation and forced labour. In carrying out their responsibilities to ensure occupational safety and health in accordance with the Health and Safety at Work Act of 2002, labour inspectors are instructed to report to the police any observations that trafficking in persons may be occurring; the police subsequently relays the information to the Inter-Ministry Committee and the Special Investigative Unit within the Task Force.

36. In the event that minors are identified as potential victims, the Child Protection Unit under the Ministry of Social Services and Community Development is to be notified immediately, so that it can take urgent action to assess the situation. At the time of the visit there was no recorded case of child trafficking in the Bahamas. The Ministry of Social Services and Community Development informed the Special Rapporteur that it was assessing a case of potential domestic-labour exploitation of a child of Haitian origin. Moreover, the Inter-Ministry Committee underlined that the Bahamas was facing a growing issue of migrant child labour, especially in tourist areas, where children brought from

Central America by organized networks are made to sell goods. Although there has been no evidence of trafficking cases to date, the situation of those children should be carefully monitored, as the persons running the networks seem to be taking advantage of mixed migratory flows.

37. The Department of Social Services within the Ministry of Social Services and Community Development informed the Special Rapporteur that a national hotline run by social workers had been established in Nassau and Grand Bahama to enable the reporting, by the general public, of gender-based violence and potential cases of trafficking in persons. In addition, the Special Rapporteur was informed that referrals could also be made through the Bahamas Crisis Centre. However, the hotline provides services in English only, thus limiting direct access for victims who are non-English speakers. The Special Rapporteur emphasizes that in order to be useful, the hotlines have to provide services in Creole, Spanish and, eventually, Mandarin to also be accessible to potential victims originating from Haiti, the Dominican Republic and other countries in Latin America, and China. Another major pitfall is the lack of awareness of the existence of the hotline. The general public appears to be largely unaware of the hotline, and statistical data on received calls were not provided.

38. The Inter-Ministry Committee informed the Special Rapporteur that the Royal Bahamas Defence Force had included a training module on awareness of trafficking in persons as part of the training for new enlisted personnel, as well as advancement and leadership courses. The Government reported that more than 240 service personnel have taken part in the programme. Training on the identification of victims and potential victims of trafficking is included in the module. Moreover, in the context of anti-smuggling operations, which are frequent in the Bahamian waters, defence forces have been sensitized on indicators to look for to identify victims of trafficking. However, the training programmes are still at an early stage and the number of trained officers has yet to become substantial.

39. Despite the development of guidelines to address trafficking in persons, including indicators for the identification of victims, the Special Rapporteur found that there is a need to develop comprehensive interview protocols incorporating a checklist enabling the detection of red flags. Law enforcement agents have to keep in mind that victims may not be forthcoming in telling the whole story and that sometimes they are coached by traffickers on responses to be given. Taking those factors into account, it is crucial that interviews are conducted on a one-on-one basis, to respect privacy and confidentiality.

40. The Special Rapporteur emphasizes that capacity-building through training on identification is important, and that identification protocols should be mainstreamed across the institutions coming into contact with potential victims. Specific training in the area of and questionnaires for unaccompanied minors should be developed, especially in a context where a large majority of those smuggled are minors, according to IOM statistics. The Government should also establish a harmonized data collection system whereby incidences of trafficking are recorded, in order to identify the trend, scope and manifestations of trafficking in the Bahamas and enhance identification, and design informed anti-trafficking responses.

41. The Special Rapporteur also received information on the alleged involvement of law enforcement officials in migrant smuggling operations, especially those involving boats transporting Haitians with the complicity of Bahamian nationals. The Special Rapporteur expressed concern that if such allegations are not properly investigated and action taken accordingly, it may hamper the effective identification of trafficked persons and may also result in distrust of law enforcement officers by trafficked persons.

42. Finally, law enforcement officers alone cannot carry the burden of the first identification; a proper referral mechanism needs to be developed to facilitate referrals of potential cases by the general population. Furthermore, in the best interest of the victim it is important that social workers be present during immigration raids and marine border control operations so as to provide the necessary first assistance to persons in positions of vulnerability caught in mixed migration flows, including potential victims of trafficking.

D. Assistance for victims

43. Section 20, paragraph 1, of the Trafficking in Persons Act stipulates that "the Minister responsible for national security in conjunction with the Minister responsible for social services shall develop a plan in consultation with non-governmental organizations and other representatives of civil society for the provision of appropriate services from governmental and non-governmental sources to victims of trafficking and dependent children accompanying the victims". Such services are defined by the law to include safe housing; psychological counselling in a language that the victim understands; medical assistance; employment, educational and training assistance; and legal assistance. The age, gender and special needs of victims are to be taken into account when planning and delivering such services. To provide a framework in which to operationalize those legal provisions the Government developed the Plan to Provide Assistance to Victims of Trafficking in Persons and Their Accompanying Dependent Children, covering the period 2013–2016. The framework has been coordinated by the Ministry of National Security and the Ministry of Social Services and Community Development in consultation with the Inter-Ministry Committee and the Task Force. The implementation of the Plan is to be assessed yearly vis-à-vis the effectiveness of the services for the victims and their accompanying dependent children and to take into account the dynamic nature of the crime of trafficking in persons. Under the plan, each entity providing services to trafficking victims is requested to establish an effective data collection system to track the services provided to such victims. The data should include information pertaining to the number of trafficked victims assisted each year; the number of employees who provide assistance to the victims and the approximate cost of the services provided. However, the plan was only recently finalized, in 2013, and no evaluation was available at the time of the visit.

44. The Trafficking in Persons Investigation Section of the RBPF Central Detective Unit is mandated to provide assistance for the immediate removal of victims from the environment of exploitation and transfer them to a safe location. The Trafficking in Persons Act further provides that the Ministry of National Security should ensure the security of victims and members of their families residing in the Bahamas.

45. In accordance with the Plan, the Department of Social Services is charged with defining a tailored assistance programme for each identified victim. The Plan also provides that once victims are identified, victim service providers, such as the Bermuda Crisis Centre, the Bahamas Red Cross Society or other NGOs or faith-based and community organizations, should provide, inter alia, pre-arranged shelter, medical assistance and legal advice. For example, the Bahamas Red Cross Society has a number of services that have been extended to victims of trafficking, including the Meals on Wheels programme, through which hot meals and food staples are delivered to victims, and a programme in which clothing, hygiene kits and household items are distributed throughout New Providence from Monday to Friday. However, it is not clear whether NGOs have developed specific projects to assist victims of trafficking in persons with trained staff and specific indicators to measure the impact of their activities.

46. At the time of the visit, there was no government-run shelter in the Bahamas; victims were hosted in safe houses and provided with basic necessities, such as clothing,

food and toiletries. The Bureau of Women's Affairs, under the Ministry of Social Services and Community Development, established a partnership with the Bahamas Crisis Centre, a non-profit, independent organization primarily pledged to respond to the needs of all victims of sexual, physical and psychological abuse, including victims of trafficking. According to the 2012 Guidelines, the centre, which acts as a focal point for the support of victims and potential victims of trafficking in persons, operates a hotline for victims of abuse, including victims of trafficking in persons. It provides victims with, among other things, emergency shelter and counselling and receives a yearly grant from the Government. The Government also has a partnership with the Links Safe House, a residential facility which provides shelter for victims of domestic violence, and which is also open to victims or potential victims of trafficking in persons for labour exploitation. The Links Safe House also receives an annual subsidy from the Government. At the time of the visit, no victims of trafficking were being sheltered by either of those organizations and the Special Rapporteur regrets that attempts to visit the premises were unsuccessful.

47. The Special Rapporteur was informed of the difficulties of providing a dedicated shelter in a small country such as the Bahamas, as it would be difficult to maintain safety and confidentiality. The Special Rapporteur regretted that, although victims have been provided shelter in safe houses, that system operates on an ad hoc basis, with no 24-hour on-site supervision or counselling. Moreover, victims regrettably are not provided with monthly allowances, which has a significant impact on access to dignified living. This is all the more worrisome as no victim has been provided with a temporary work permit, despite the fact that those engaged in legal proceedings have remained under the protection of the State for more than six months, time during which they have not been able to earn a living and support the families they left behind. The situation puts the rescued victims in a position of vulnerability to exploitation and vis-à-vis traffickers, as they may be tempted to look for ways to earn a living in the informal market. It further creates psychological and moral distress, as victims often leave behind families that they need to care for. Therefore, it is important that the Government rapidly allocates funds for the provision of monthly allowances to victims who are being assisted.

48. The Department of Social Services informed the Special Rapporteur that it had provided assistance to three Jamaican women trafficked for commercial sexual exploitation and to two men from the Dominican Republic identified as potential victims of labour exploitation. The victims were sheltered in two different locations and their needs were assessed by social workers. IOM provided support in safely repatriating two victims.

49. Section 14 of the Trafficking in Persons Act stipulates that the Director of Immigration should grant, as appropriate, temporary residency authorization to identified victims in order to facilitate the investigation and prosecution processes. The provision prima facie suggests that such authorization might be contingent on victims' cooperation in judicial proceedings; however, the Government informed the Special Rapporteur that the temporary residency permit provided for in the Act is not contingent on such cooperation. The Special Rapporteur notes that, despite the provisions, one of the two Jamaican victims under the care of the State at the time of the visit had an expired temporary stay permit, for which renewal had been delayed for a month due to a lack of timely coordination between the Department of Social Services and the Department of Immigration. The national legal framework does not provide for the option for victims of trafficking to seek permanent residence in the Bahamas if they so wish. Such provisions are important for those victims who cannot return to their community of origin because it would not be in their best interest or because it might put them at further risk of being trafficked again or facing reprisal.

50. The Special Rapporteur notes the insufficient involvement of civil society actors in implementing victims' assistance programmes. The Bahamas has a nascent civil society and the Government needs to devise a scheme by which more grass-roots organizations are

mobilized for the identification of, and provision of assistance to, victims, namely through awareness-raising and adequate training. Partially outsourcing victim assistance to NGOs has proven to be optimal in several countries. The Special Rapporteur underlined that trafficking in persons could be efficiently tackled only through a multi-stakeholder approach, with civil society being a major player.

E. Investigation, prosecution and punishment

51. RBPF is in charge of investigating trafficking offences; its representatives on the Task Force are part of a specialized unit with experience in dealing with victims of sexual crimes, including victims and potential victims of trafficking in persons. The specialized investigative unit acts to ensure that all partners are engaged when a trafficking matter comes to its attention. RBPF is charged with keeping a record on investigations into and cases of trafficking in persons.

52. The Guidelines provide that an investigator should be assigned to each trafficking case and early consultation should be undertaken between the RBPF investigators and the prosecutors in order to ensure that all possible evidence is explored and that the correct charge or charges are pressed.

53. The Office of the Attorney General and Ministry of Legal Affairs is in charge of prosecuting cases of trafficking and has established a team of trained prosecutors with special skills in interacting with victims of trafficking. The prosecutors themselves are to be in direct contact with victims and to assess their situation in order to confirm their status as victims. The Attorney General informed the Special Rapporteur that the Prosecutor's Office was developing a partnership with the United Kingdom of Great Britain and Northern Ireland to develop protocols for the investigation and prosecution of trafficking in persons. A tailored criminal justice response to trafficking is planned to be operational in 2014.

54. Trafficking offences can be tried before both the Supreme Court and magistrate courts, and the Attorney General reported that a system of swift justice had been established for the speedy trial of cases of trafficking in persons. Prosecutors in the Office of the Attorney General and Ministry of Legal Affairs who specialize in the prosecution of sexual offence cases are also involved in the prosecution of trafficking-related cases. The Government is considering the creation of a specialized court to try sexual offences, including trafficking-related cases. However, the first trafficking case was referred to the Supreme Court, in view of its tougher sentencing, to send a strong message that the Bahamas will not tolerate that type of crime.

55. A number of legal provisions ensure the protection of victims during the investigation and prosecution phases. The Criminal Evidence (Witness Anonymity) Act of 2011 includes as "qualifying offences" crimes committed under the Trafficking in Persons Act and provides for the protection of the identity of witnesses during the investigation of criminal offences and during criminal proceedings and matters connected therewith, and for the admissibility of evidence in criminal proceedings to be obtained by way of live television link. Section 13 of the Trafficking in Persons Act recommends that witnesses should be considered for entry into the witness protection programme established under the Justice Protection Act of 2006 if it is determined that they are at risk of being subject to violent reprisals. It also allows for cases to be tried in camera in order to protect victims/witnesses. The Trafficking in Persons Act also provides the possibility for victims to deliver impact statements. The amended section 185 of the Criminal Procedure Code,[1]

[1] See the Criminal Procedure Code (Amendment) Act of 2011.

which allows the Court to receive any relevant representation from the victim before handing down a sentence, is applicable to victims of trafficking.

56. At the time of the visit, the Bahamas was prosecuting its first two cases of trafficking in persons. The cases concerned two Jamaican women who were allegedly trafficked by two Jamaican women residing in the Bahamas. A Bahamian man was also involved in one of the cases, including in the transportation of the victim. The two victims were allegedly trafficked for commercial sexual exploitation and lured by the promise of a job. The victims reported that they were afraid to denounce their situation to the police as they had become irregular migrants, an argument which was also used by their traffickers to exert pressure on them. One of the victims was rescued during an immigration raid in a bar and the other was identified by the police during an identity check. The Government informed the Special Rapporteur, after the mission, that a third case was being tried before a magistrate court; it concerns a woman who was forced to dance in a nightclub and prostitute herself.

57. In one of the cases the presumed trafficker was charged with trafficking in persons, unlawful withholding of identification documents and transporting. If convicted by the Supreme Court the alleged traffickers could be sentenced to 5 years' to life imprisonment, subjected to forfeiture of property and ordered to pay full restitution to the victim. Aggravating circumstances are also provided for in section 8, paragraph 1 (a) to (h). An additional 2 years' imprisonment could be imposed for the use of or threats to use a dangerous weapon, an additional 3 years if the trafficking was part of the activity of an organized criminal group; and an additional 4 years if the trafficking occurred as a result of the abuse of power or a position of authority. An additional 5 years' imprisonment could be imposed if the victim was subjected to serious bodily injury or sexual assault, if the victim is a minor or if the victim was exposed to a life-threatening illness or to drug addiction. An additional 10 years' imprisonment could be imposed if the victim suffered a permanent life-threatening injury.

58. Despite the recent positive developments, the Special Rapporteur notes that the prosecution rate remains relatively low considering that the Trafficking in Persons Act was enacted in 2008. That emphasizes the need for the Government to strengthen capacities for the identification of victims and also strengthen the activities of prosecutors in charge of confirming the status of victims of trafficking. In that regard the Special Rapporteur notes that mandating the prosecutors alone to determine the status of victims might not be in the best interest of victims. Social workers need to be involved at the very first stages of the identification of status so as to guarantee victims access to appropriate assistance regardless of whether or not they decide to cooperate with the judicial process.

F. Redress for victims of trafficking

59. Compensation and restitution are an integral part of effective remedies for victims of trafficking. Section 6 of the Trafficking in Persons Act provides that when a defendant is found guilty of trafficking, the court shall order the payment of restitution to the victim to compensate for: (a) costs of medical and psychological treatment, (b) costs of physical and occupational therapy and rehabilitation, (c) costs of necessary transportation, temporary housing and childcare, (d) lost income, (e) legal counselling fees, (f) emotional distress and (g) any other loss suffered by the victim. The Act also envisages the confiscation and forfeiture of assets and proceeds from trafficking offences, which should first be used for the payment of restitution. The law does not speak of compensation; however, in the absence of an institutionalized compensation scheme it is not clear whether victims would systematically be granted any compensation. Moreover, tying restitution to the conviction of perpetrators makes it contingent on victims' cooperation in judicial processes, thus

automatically depriving those victims who are reluctant to file complaints against their traffickers from obtaining restitution and compensation. The Special Rapporteur advocates for the establishment of a victims' fund to allow for the compensation of all victims.

60. Another important means of redress, specifically for victims of labour trafficking, is the recovery of unpaid wages; however, no information was provided on the possibility for victims to lodge civil cases for unpaid wages. Notwithstanding, the Employment Act stipulates that where an employer is found guilty of an offence in respect of any employee, the court may, in addition to any other penalty, order the employer to pay to the employee any overtime pay, vacation pay, or other wages to which the employee is entitled under the Act, the non-payment or insufficient payment of which constituted the offence (sect. 76). Moreover, the Special Rapporteur notes that the Immigration Act (sect. 29, para. 3) criminalizes employers who hire undocumented migrants; therefore fines imposed on those who employ undocumented migrants could also be used to compensate victims of trafficking who have suffered labour exploitation.

G. Repatriation and reintegration

61. The Government informed the Special Rapporteur that, at the time of the visit, one of the three identified victims from Jamaica (see para. 48 above) had been repatriated to her country of origin with the help of IOM. The Government of Jamaica provided support in that regard. The Bahamas have set a good practice in cooperating with the Jamaican police, which verified the victim's place of origin to ensure her safe return.

62. There was no information on the reintegration of victims, either in communities of origin or in the Bahamas. The plan to assist victims of trafficking mentions that victims should be provided with information on access to services available to them in the Bahamas or in their home country should they wish to be repatriated, in order to ensure a sustainable reintegration process. However, it is not clear whether any reintegration services are available yet and, if so, what they consist in. Moreover, the Department of Labour had yet to provide information to the Inter-Ministry Committee with regard to assisting victims with employment opportunities, which is contingent on the delivery of work permits by the Department of Immigration.

63. Although there is no institutionalized compensation scheme, the Government informed the Special Rapporteur that the two Dominican males, who were not identified as victims of trafficking in persons, were assisted in their return to their home country and provided with a small stipend from funds earmarked for victims of trafficking in persons before their repatriation. The Government reported that no cases of labour exploitation had been identified in the Bahamas.

H. Prevention

1. Public awareness

64. Public awareness of the phenomena of trafficking in persons remains limited, including among civil society actors, which the Special Rapporteur finds alarming. It is all the more worrisome that so far national efforts have mainly been deployed on the island of New Providence, in particular in Nassau, whereas a large number of migrants have arrived and worked on the island of Grand Bahama.

65. The Ministry of National Security and the Bureau of Women's Affairs have responsibility for the coordination and implementation of the activities aimed at preventing trafficking in persons. The Inter-Ministry Committee informed the Special Rapporteur that

it had held a public forum on trafficking in persons in March 2012 with a view to fostering greater public understanding of the complexities of trafficking in persons, and the differences between trafficking in persons, illegal immigration and migrant smuggling.

66. The Department of Social Services mentioned the adoption of a new approach and strategy to raise public awareness about child abuse, which was inclusive of trafficking in children. Elements of the new approach are said to include short messages before the main feature in movie theatres, messages on social media and advertisements printed on cash register receipts. However, no examples of the awareness-raising support were shown to the Special Rapporteur.

67. In late 2013, the Task Force produced pamphlets and public service announcements on trafficking in persons. The pamphlet distribution was at its preliminary stage at the time of the visit. The Government informed the Special Rapporteur that plans were under way to have public announcements aired on the private stations in addition to the public channels.

68. Additional awareness-raising projects envisaged by the Government include the preparation of presentations on trafficking in persons for schools; the organization of presentations for the public administration and other organizations by members of the Task Force who have participated in the training of trainers sessions conducted by IOM; and the production of posters representing specific aspects of trafficking in persons, such as labour exploitation.

2. Safe migration

69. The Special Rapporteur has advocated for the establishment of safe migration pathways to prevent trafficking in persons, bearing in mind that the Bahamas needs foreign workers. In that regard the Government informed the Special Rapporteur that a mechanism in place allowed for the delivery of seasonal or temporary work permits. One of the conditions for issuing visas at the request of a given company is the departure of foreign workers who were previously granted visas to work temporarily in the country for that company. However, the system seem to tie the work visa to a single employer, thus increasing the vulnerability of migrant workers to the good will of employers and limiting their ability to change employer if they so wish.

70. The Bahamas also has provisions for 30-day visas for entertainers, such as salsa dancers, mainly from Southern American countries. The Special Rapporteur mentioned to representatives of the Ministry of Labour and National Insurance that the conditions of employment of those workers should be closely screened and monitored to reduce the risk of exploitation, especially in the case of women and girls.

I. Cooperation and partnership

71. The Government of the Bahamas has demonstrated good appreciation of the transnational nature of trafficking, which requires the participation of source, transit and destination countries, as well as bilateral partners in anti-trafficking work, including in the areas of identification of victims, exchange of information, joint investigations, judicial cooperation and capacity-building.

72. In terms of mutual legal assistance and joint investigations, section 11, paragraph 1, of the Trafficking in Persons Act stipulates that the offence of trafficking in persons constitutes an extraditable offence and that, in that respect, any State party to the Palermo Protocol will be deemed a "treaty State" within the meaning of the Act. The Office of the Attorney General informed the Special Rapporteur that although there was no formal agreement with Jamaica, a good partnership had been established in the investigation and prosecution of the current cases. Moreover, the Bahamas has signed three treaties of mutual

legal assistance: with the United States (1987), with the United Kingdom (1988) and with Canada (1990). As at the time of the visit no request for assistance had been made under the various agreements with regard to trafficking in persons, but the Special Rapporteur acknowledged the importance of having such mechanisms in place.

73. The Bahamas has memorandums of understanding with Cuba and Haiti providing for the expedited deportation of irregular migrants, which have proven not to be conducive to the proper screening of persons who might be in need of international protection in mixed migratory flows. Concerns were raised that the memorandums might jeopardize the welfare of migrants in need of international humanitarian and human rights assistance. Therefore, it is urgent that the Bahamas review existing memorandums of understanding and ensure that they are in compliance with international standards.

74. In May 2012, the Inter-Ministry Committee and the Task Force opened channels of communication with the diplomatic and consular corps in the Bahamas, which have been encouraged to report any suspicion of trafficking cases.

1. Capacity-building

75. The Government reported that the Bahamas was currently partaking, jointly with Saint Lucia, in a 36-month project initiated by IOM aimed at strengthening institutions dealing with human trafficking. In September and October 2013, the Task Force and Inter-Ministry Committee members participated in technical skills training and training of trainers on trafficking in persons.

76. The Bahamas hosted two seminars in 2011: one on "Strengthening the capacity of law enforcement officials, judges and prosecutors in the Caribbean to identify and combat trafficking in persons, especially women and children", which was held in collaboration with the Organization of American States, and another on "Protecting vulnerable migrants", organized in collaboration with the Office of the United Nations High Commissioner for Refugees and sponsored by IOM. A partnership was also established with IOM for the training of judges and lawyers. The Inter-Ministry Committee members also participated in the Caribbean Regional Conference on the Protection of Vulnerable Persons in Mixed Migration Flows, organized by the Office of the United Nations High Commissioner for Refugees and IOM, in 2013.

77. In March 2012, the Government of the United States conducted a training exercise on trafficking in persons for members of the Inter-Ministry Committee and the Task Force, and in June 2012 it sponsored a study tour for them in Miami, Florida.

III. Conclusions and recommendations

A. Conclusions

78. **The Bahamas has demonstrated commitment in combating trafficking in persons, including through the ratification of international instruments on trafficking, the adoption of a national law to combat trafficking in persons in accordance with the Palermo Protocol and the development of a multisectoral approach to provide assistance and remedies to victims.**

79. **The Office of the Attorney General has set out good practices in cooperating with the Jamaican authorities and creating a precedent for bilateral joint investigations of cases of trafficking. The trial of the two cases of human trafficking before the magistrate court and the Supreme Court, although coming late, sends a strong message to potential traffickers. The existence of agreements for mutual legal**

assistance between the Bahamas and countries such as the United States of America, the United Kingdom of Great Britain and Northern Ireland and Canada is also positive, as is the country engagement with international organizations to enhance capacity-building at the national level.

80. However, the country lacks a comprehensive assessment of the trends and scope of trafficking, and victims are rarely identified or referred to assistance programmes. The restrictive immigration policy leading to the Government's rapid deportation of migrants, who arrive mainly by boat, especially from Haiti and the Dominican Republic, informed by existing memorandums of understanding with the countries involved, may lead to the arrest, detention and deportation of potential victims of trafficking without providing the opportunity for identification and assistance. The Special Rapporteur's fears are heightened by the fact that there is a capacity gap in terms of ability for quick and accurate identification of victims of trafficking.

81. While the Government has started to incorporate information on human trafficking into the regular training curriculum of the Royal Bahamas Police Force and the Royal Bahamas Defence Force, there is an urgent need to scale this up and continually enhance the knowledge and skills of those front-line officers to identify and protect trafficked persons.

82. Labour inspectors are unable to carry out their functions of inspection and monitoring of companies to ensure compliance with labour standards, including, importantly, to assist in the identification of trafficked persons and potential victims of trafficking, because they have insufficient human capacity and a limited mandate.

83. Comprehensive assistance for victims remains at a preliminary stage. While victims are provided with some assistance, there is no specialized shelter for trafficked persons which can respond to victims and provide them with the psychological, medical, language and other support services they may need. Furthermore, assisted victims do not have access to compensation or a monthly allowance, nor can they work while awaiting the outcome of the legal proceedings, which often takes several months.

84. While acknowledging the Government's efforts to raise awareness, prevention is still at an early stage. The general population and civil society remain unaware of both the issue of trafficking and the government action taken to combat and prevent it. Existing tools, such as the hotline to report vulnerable or endangered women and children, need to be advertised further, and awareness of the different activities undertaken by the Government to tackle the issue should be raised in order to mobilize and ensure partnerships with grass-roots organizations that may come in direct contact with potential victims of trafficking.

85. In view of the above observations the Special Rapporteur makes the recommendations listed below.

B. Recommendations

86. With respect to the international framework, the Special Rapporteur recommends that the Government:

(a) Ratify, without delay, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(b) Ratify, without delay, ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(c) Ratify, without delay, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(d) Establish, with countries of origin and countries of destination, bilateral and multilateral agreements for exchange of information, mutual legal assistance and safe returns in order to jointly tackle the root causes of trafficking in persons in the region;

(e) Develop and review existing safe migration pathways for seasonal or temporary workers.

87. **With respect to the national framework, the Special Rapporteur recommends that the Government:**

(a) Carry out a national baseline study in collaboration with an independent research institute, bilateral partners and civil society to document the scope and trends of trafficking at the national level;

(b) Finalize and rapidly adopt the national action plan to combat trafficking in persons based on a human rights and victim-centred approach, setting out clear objectives, responsibilities and indicators to measure progress, and allocate a dedicated budget for its implementation;

(c) Establish a systematized and harmonized data collection system on the phenomenon of human trafficking. Data on victims of trafficking should include their countries of origin and be disaggregated by, inter alia, sex, age and the nature and type of trafficking involved; the system should also include information on traffickers and data on investigations, prosecution rates and sentencing;

(d) Create by law, in order to enhance coordination and efforts at combating trafficking, an office of an independent national rapporteur or an equivalent mechanism charged with the responsibility to implement, monitor and evaluate activities aimed at combating human trafficking;

(e) Amend the Employment Act in order to provide protection for domestic workers in accordance with international legal standards.

88. **With respect to identification, training and capacity-building, the Special Rapporteur recommends that the Government:**

(a) Specifically outline and harmonize identification protocols using the Government's guidelines to combat trafficking in persons, developing a range of red flags and indicators to be used while screening vulnerable persons and undocumented migrants;

(b) Establish a national referral mechanism whereby anyone can, even anonymously, report potential victims;

(c) Raise awareness on the distinction between cases of trafficking and irregular migration while underlining the impact of mixed migration flows on trafficking;

(d) Provide comprehensive training programmes on effective reporting on trafficking in persons to enhance knowledge and awareness of human trafficking for all stakeholders, including the police, the defence force, immigration and border

agents, prosecutors, judges and lawyers, as well as for labour inspectors, civil society organizations and the media;

(e) Train all stakeholders involved in providing short- and long-term assistance and care to victims of trafficking.

89. With respect to support services for victims of trafficking, while the Special Rapporteur acknowledges the efforts made to develop a plan to assist victims of trafficking, she notes that the guidelines remain general, and recommends that the Government:

(a) Define a set of specific actions to be taken by each stakeholder in order to fulfil the duties they are assigned within the framework of the victim assistance programme;

(b) Protect and assist all victims of trafficking, including child victims, with full respect for their human rights, and integrate a human rights-based approach in the investigation of trafficking cases;

(c) Make provision for appropriate support, including the establishment of separate shelters for child victims of trafficking and adults. Shelters should also be made available outside the capital city;

(d) Ensure that the free 24-hour hotline is accessible in the languages that may be the only ones that potential victims speak, such as Creole, Spanish and Mandarin, and that the responsible staff are multilingual and receive specific training on trafficking in persons;

(e) Provide adequate and regular funding to service providers and organizations working on trafficking in persons, both in urban and rural areas, in order to enable comprehensive assistance, such as social, psychological, medical and legal support, as well as translation and interpretative services, for victims of trafficking;

(f) Maintain close cooperation with the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees for the safe return of trafficked victims to their country of origin, having due regard to the need, if any, of international protection of the victims and the application of the principle of non-refoulement;

(g) Establish a fund that will provide for a comprehensive national compensation scheme for victims of trafficking.

90. With respect to prosecution, the Special Rapporteur recommends that the Government:

(a) Improve the justice delivery system to ensure speedy adjudication of cases of trafficking while guaranteeing fair-trial rights consistent with a human rights-based approach to criminal justice responses;

(b) Ensure that in the prosecution of cases of trafficking, victim/witness protection before, during and after the trial is duly implemented to avoid reprisal.

91. With respect to prevention, the Special Rapporteur recommends that the Government:

(a) Step up efforts to raise awareness about all forms of trafficking in persons, including for domestic servitude, forced labour and sexual exploitation, in order to promote understanding of what constitutes trafficking among the general population and the foreign community. In that regard, all family islands of the

Bahamas should be sensitized and efforts should not be concentrated in the capital city alone;

(b) Translate its efforts into concrete actions and conduct surveys to assess the impact of the awareness-raising campaigns, which should be extended to the whole country and especially to areas where there is a high concentration of persons in a vulnerable position. Moreover, the language factors must be taken into account when developing public-awareness supports;

(c) Empower non-governmental organizations, including through increased interaction and the provision of funds, to conduct sensitization on trafficking and to handle complaints related to trafficking at the grass-roots level;

(d) Launch widespread campaigns to raise public awareness on this issue using media outlets, including television and radio stations, and other channels of communication in order to promote a common understanding of the phenomenon of trafficking and to encourage reporting from the general population.